

February 19, 2014

## **MINUTES OF A REGULAR MEETING OF THE TORRANCE PLANNING COMMISSION**

### **1. CALL TO ORDER**

The Torrance Planning Commission convened in a regular session at 7:00 p.m. on Wednesday, February 19, 2014 in City Council Chambers at Torrance City Hall.

### **2. SALUTE TO THE FLAG**

The Pledge of Allegiance was led by Commissioner Griffiths.

### **3. ROLL CALL/ MOTIONS FOR EXCUSED ABSENCE**

Present: Commissioners D'anjou, Gibson, Griffiths, Polcari, Skoll, Watson and Chairperson Rizzo.

Absent: None.

Also Present: Planning Manager Lodan, Planning Associate Martinez, Plans Examiner Noh, Associate Civil Engineer Symons, Sr. Fire Prevention Officer Kazandjian, Assistant City Attorney Sullivan.

### **4. POSTING OF THE AGENDA**

Planning Manager Lodan reported that the agenda was posted on the Public Notice Board at 3031 Torrance Boulevard on Friday, February 14, 2014.

### **5. APPROVAL OF MINUTES**

**MOTION:** Commissioner Watson moved for the approval of the December 18, 2013 Planning Commission minutes as written. The motion was seconded by Commissioner D'anjou and passed by unanimous voice vote, with Commissioner Griffiths abstaining.

**MOTION:** Commissioner Gibson moved for the approval of the January 15, 2014 Planning Commission minutes as written. The motion was seconded by Commissioner Watson and passed by unanimous voice vote, with Commissioner Griffiths abstaining.

### **6. REQUESTS FOR POSTPONEMENTS – None.**

### **7. ORAL COMMUNICATIONS #1 – None.**

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Chairperson Rizzo reviewed the policies and procedures of the Planning Commission, including the right to appeal decisions to the City Council.

### **8. TIME EXTENSIONS- None.**

### **9. SIGN HEARINGS- None.**

### **10. CONTINUED HEARINGS – None.**

### **11. WAIVERS**

**11A. WAV13-00009: J.K. PERTTULA (MYKOLA MOHUCHY AND GRETCHEN LENT)**

Planning Commission consideration for approval of a Waiver of the exterior side yard and rear yard setbacks to allow a first-story addition on property located within the Hillside Overlay District in the R-1 Zone at 162 Via Monte D'Oro. This project is categorically exempt from CEQA per Guidelines Section 15305(a) – Minor Alterations.

**Recommendation:** Approval.

Planning Associate Martinez introduced the request.

Chairperson Rizzo disclosed that he drove by the location and viewed the perimeter of the property.

Commissioners Polcari, Gibson and Watson disclosed that they are very familiar with this property and have driven by it numerous times, but not in connection with this application.

Gretchen Lent, 162 Via Monte D'Oro, applicant, briefly described the proposed project, noting that it maintains the existing roofline and does not impact anyone's view. She indicated that she had not read the staff report, so Chairperson Rizzo reviewed the conditions specific to this project – Condition No. 4, requiring the closet in the play room to be eliminated, and Condition No. 5, limiting the height of the roofline to 14 feet – and she confirmed that the conditions were acceptable.

**MOTION:** Commissioner Gibson moved to close the public hearing. The motion was seconded by Commissioner D'anjou and passed by unanimous voice vote.

**MOTION:** Commissioner D'anjou moved to approve WAV13-00009, as conditioned, including all findings of fact set forth by staff. The motion was seconded by Commissioner Gibson and passed by unanimous roll call vote.

Planning Associate Martinez read aloud the number and title of Planning Commission Resolution No. 14-010.

**MOTION:** Commissioner D'anjou moved for the adoption of Planning Commission Resolution No. 14-010. The motion was seconded by Commissioner Gibson and passed by unanimous roll call vote.

**12. FORMAL HEARINGS**

**12A. MOD13-00003: RICE HEAVEN RESTAURANT (BRIXMOR PROPERTY OWNER II)**

Planning Commission consideration for approval of a Modification of a previously approved Conditional Use Permit (CUP82-61) to allow an on-sale beer and wine license in conjunction with the existing restaurant use on property located within the Hillside Overlay District in the C-5 Zone at 2937 Rolling Hills Road. This project is Categorically Exempt from CEQA per Guidelines Section 15301 – Existing Facilities.

The item was continued as no representative was present at the meeting.

**MOTION:** Commissioner Polcari moved to continue this matter to March 5, 2014. The motion was seconded by Commissioner Griffiths and passed by unanimous roll call vote.

**12B. MOD14-00001: MICHAEL SHAFER (BUFFALO FIRE DEPARTMENT)**

Planning Commission consideration for approval of a Modification of a previously approved Conditional Use Permit (CUP90-59) to allow live music and social events for the community within the plaza area on property located in the Downtown Project Area, Commercial Sector at 1261 Cabrillo Avenue. This project is Categorically Exempt from CEQA per Guidelines Section 15301 – Existing Facilities.

**Recommendation:** Approval.

Planning Associate Martinez introduced the request and noted supplemental material available at the meeting consisting of correspondence received after the agenda item was completed.

Michael Shafer, applicant, stated that he was requesting a permit to allow live entertainment and community events in the plaza adjacent to his Buffalo Fire Department restaurant in order to attract people to the downtown area. He explained that such events have been held periodically for the past four years and this permit would eliminate some of the paperwork and streamline the process. He reported that the consumption of alcohol is confined to the patios of restaurants surrounding the plaza and no incidents have occurred that have required police or fire department response. He clarified that he also occasionally conducts larger scale outdoor events, where consumption of alcohol is allowed, however, those require a Special Events Permit, as well as a permit from the ABC (Alcoholic Beverage Control), and they are not covered by this entitlement. He voiced his agreement with the recommended conditions of approval.

Chairperson Rizzo invited public comment.

Howard Fischkes, 1211 Cabrillo Avenue, voiced objections to the proposed permit, stating that music at these events has been extremely loud and annoying for nearby residents. He indicated that he was not opposed to allowing live entertainment if the sound can be reduced to an acceptable level, however he did not want to be subjected to it three or four days a week.

Leah Workman, owner of business at 1218 El Prado, stated that she respects what Chef Shafer is trying to do, but these events are interfering with her ability to conduct business. She explained that the sound is so loud, her staff cannot work over the phone or answer the customer service line; that access to the site is cut-off making it impossible to send or receive shipments; and that trash is overflowing the next day following events. She expressed the hope a compromise could be found, such as starting the music after businesses are closed.

Steve Kallianov, 902 Cerise Avenue, voiced support for the permit, stating that he is a frequent patron of the Buffalo Fire Department and enjoys being able to listen to local artists on Saturday evenings without having to drive to beach cities.

Greg Korzon, Antingua Café, 1231 Cabrillo Avenue, reported that businesses are struggling to remain afloat in the downtown area because there is very little foot traffic except on the last Sunday of the month when the Antique Fair is held. He proposed lowering the sound level so the concerts could still be held without annoying neighbors.

Al Jones, 1301 Cabrillo Avenue, urged the Commission to limit the events to the months of June, July and August as detailed in the petition submitted by residents (Supplemental #1). He reported that residents have been subjected to 64 events during 2013 or approximately 224 hours of concerts, which often started before and ended after the advertised times, and he has measured sound levels at 110 -120 decibels, a level that will damage hearing.

Gordon Gasser, 1281 Cabrillo Avenue, stated that he disagrees with the petition and wants the events entirely eliminated. He explained that he must close his doors and windows and turn on the television to drown out the music, which funnels down the plaza into his home. He acknowledged that residents signed a disclosure about living in an urban environment when purchasing their properties, but contended that this type of noise and activity was far beyond what one would expect from a commercial plaza. He reported that he called police to complain about noise, but was told they couldn't do anything about it because the event was permitted. He called for business owners to find other ways to attract people to the downtown area without antagonizing residents.

Voicing support for the concerts, Max Wheatley, a musician from San Pedro, noted that the concerts are family events where people can come and listen to music without having to buy drinks or food. He related his experience that people tend to complain about the volume of the music when it is music they don't like.

Jeff Guerrero, 1230 Acacia Avenue, school teacher/ musician, urged the Commission to allow the concerts to continue because they provide an excellent forum for musicians, bands and dancers and offer a cultural experience for the people who attend them. He noted that many positive changes have occurred in the downtown area over the past few years and events like these are helping it become a social hub for the South Bay.

Julie Randall, owner of antique store on Sartori Avenue, expressed support for the concerts, explaining that she stays open late when they are held as they bring energy to the area and are a boost for local businesses.

Yoh Ishigawa, 1301 Cabrillo Avenue, stated that he enjoys living in the downtown area, however, the noise from the concerts makes it impossible for him to enjoy Saturday evenings at home with his wife and kids.

Woody Chang, 1350 Cabrillo Avenue, related his experience that Chef Shafer is extremely supportive of local charities and the neighborhood has improved as a result of his efforts. He expressed the hope that a compromise can be found so the concerts can continue, noting that he lives about 100 feet away from the plaza and his five-month old child is able to sleep if the door is closed.

Jerry Hernandez, 1423 Amapola Avenue, reported that he and his teenage children enjoy walking to the concerts on Saturday evenings and hopes they will continue.

Tomu Odowara, 1281 Cabrillo Avenue, voiced objections to the proposed permit, explaining that he can't stay at home or have people over during the concerts due to the noise. He stated that he spends a minimum of \$40 for dinner out on concert nights and he also has the added expense of running his air conditioner to try to block out the noise. He noted that while the concerts have many supporters, they do not live within earshot.

In response to Commissioner Gibson's inquiry, Mr. Odowara reported that he can still hear the music even with the door closed and the air conditioner on.

Roger Evans, Torrance, urged approval of the permit, voicing his opinion that the concerts benefit the community. He stated that he is a musician who plays all over the South Bay and the plaza is one of the few venues where he can bring his children, one of whom has special needs. He related his experience that bands quit at the appropriate time and don't use large amplifiers.

Janet Payne, 1318 Engracia Avenue, suggested that people need to recognize that the environment will not be the same as a typical subdivision when they purchase a home in a mixed-use area, noting that she has lived in downtown Torrance for almost 40 years. She expressed support for Chef Shafer's efforts to revitalize the downtown, but stressed the importance of compromise to ensure that neighbors are not unduly affected.

Andre DuSomme, 1301 Cabrillo Avenue, stated that he is a musician who enjoys music, but the noise level at concerts is too loud for families with children who live in close proximity and expressed the hope that a compromise could be found for the benefit of all concerned.

Commissioner D'anjou disclosed that she and Mr. DuSomme are members of the same congregation, but that would not impact her decision this evening.

Michael Ryan, musician, stated that he would hate to see the music stopped and related his belief that the benefit to the community should override the discomfort of a few people.

George Biner, Los Angeles musician, expressed the hope that a compromise can be reached so the music can continue.

Steve Frame, 1281 Cabrillo Avenue, stated that he lives only 20 feet from the stage and feels he's being deprived of the use and enjoyment of his condominium because he must leave on Saturday nights due to the music, which is unbelievably loud. He acknowledged that he was informed about the condominium's urban location when he purchased it 20 years ago, however, he never envisioned anything like this. He voiced his opinion that the plaza, which is lined by high density residential buildings, was not a suitable venue for this type of activity.

Michael Coco, employee of business at 1218 El Prado, reported that he and his boss must adjust their work schedules on Thursdays due to noise and accessibility issues created by the Downtown Market Place.

Elizabeth Daniels, Torrance, commented on her enjoyment of the concerts and other downtown events, noting that she is a vendor in the Sunday Antique Fair.

Paul Wisman, 218 Berendo Street, stated that he enjoys the concerts and atmosphere at the Buffalo Fire Department and related his experience that the sound level is monitored and musicians are asked to lower the volume when it becomes too loud.

Mark Renfro, guitarist, stated that the plaza is a wonderful place to play and it's the only place he plays where children can go.

Patti Orbeck, Rancho Palos Verdes, related her understanding that foot traffic was more of a concern than the music.

Christine Brown, 1301 Cabrillo Avenue, stated that she was not opposed to the concerts, but believes residents should have some nights to themselves. She noted that those who attend the concerts are there by choice, but she does not have that luxury.

Howard Fischkes acknowledged that Chef Shafer has done an outstanding job of helping revitalize the downtown, but stressed the need for compromise so that nearby residents are not forced out of their homes by excessively loud music.

Returning to the podium, Michael Shafer expressed his willingness to work with neighbors to find an acceptable compromise. He indicated that he was not aware that the Downtown Market Place on Thursdays was interfering with the operation of nearby businesses and would take steps to correct these problems.

A brief discussion ensued, and it was the consensus of the Commission to continue the hearing to allow Mr. Shafer an opportunity to work with his neighbors to try to resolve their concerns.

Chairperson Rizzo questioned whether a noise attenuation study would be completed, and Planning Manager Lodan advised that such studies are not required for this type of permit since no construction is involved, however, input from a noise consultant could be obtained regarding possible ways to reduce the noise level.

Responding to questions from the Commission, Mr. Shafer clarified that the only constant events will be the Downtown Market Place on Thursdays and the live concerts on Saturdays from 6:00 – 9:00 p.m. and he also plans to hold other events occasionally, such as a “walk-in” movie on Friday nights since he has the rights to show Disney films.

Commissioner D’anjou questioned the broad parameter of the proposed permit, which would allow events almost every day of the week.

Mr. Shafer explained that he wanted some flexibility in the planning of other community events, noting that on Sunday, May 18, \$50,000 in bicycles will be given out to Boys and Girls Club members.

Planning Manager Lodan recommended that staff work with the applicant to come up with a schedule that more closely matches planned events rather than a blanket approval.

Commissioner Griffiths asked if someone was charged with monitoring and regulating the sound and whether equipment was used to verify the noise level on a regular basis.

Mr. Shafer stated that the sound level is not measured, but he knows when it gets too loud and he then reminds the musicians to be respectful of neighbors.

Commissioner Griffiths expressed concerns that the buildings lining the plaza could create an echo chamber and asked if any steps had been taken to mitigate the sound.

Mr. Shafer reported that he has a similar problem in a venue in Rancho Palos Verdes and is working on erecting sound barriers, which might be a possible solution in this case.

Planning Manager Lodan recommended that the hearing be continued to March 19 so staff could work with the applicant to categorize the various events he is proposing, as well as address the frequency and noise level.

Chairperson Rizzo recommended that staff differentiate between the events covered by the proposed permit and those that require Special Event Permits so everyone involved will have a better understanding. He also suggested the possibility of approving the permit for a six-month trial period.

**MOTION:** Commissioner Polcari moved to continue the hearing to the March 19, 2014 Planning Commission meeting. The motion was seconded by Commissioner Gibson and passed by unanimous roll call vote.

Chairperson Rizzo announced that there will be no public notification of the hearing because it was continued to a date certain.

The Commission briefly recessed from 8:50 p.m. to 8:55 p.m.

**12C. PRE13-00014: WILL BASILIO (MR. AND MRS. BROWN)**

Planning Commission consideration for approval of a Precise Plan of Development to allow first and second-story additions to an existing two-story, single-family residence on property located within the Hillside Overlay District in the R-1 Zone at 22718 Draille Drive. This project is Categorically Exempt from CEQA per Guidelines Section 15301(a) – Existing Facilities.

**Recommendation:** Approval.

Planning Associate Martinez introduced the request.

Commissioner Polcari disclosed that he works with the applicant Scott Brown at Northrup, but that will not affect his decision in this case.

Chairperson Rizzo disclosed that he drove by the location and viewed the silhouette.

Scott Brown, 22718 Draille Drive, explained that he would like to expand his home to accommodate his growing family. He noted that an effort was made to design an addition that fits with the neighborhood and the project enjoys the support of his neighbors. He voiced his agreement with the recommended conditions of approval.

Assistant City Attorney Sullivan disclosed that his son and Mr. Brown's son are on the same Little League team, the Riviera National D-backs, where he serves as manager and Mr. Brown serves as coach, but that would not affect his advice this evening.

**MOTION:** Commissioner Gibson moved to close the public hearing. The motion was seconded by Commissioner Skoll and passed by unanimous voice vote.

**MOTION:** Commissioner Polcari moved to approve PRE13-00014, as conditioned, including all findings of fact set forth by staff. The motion was seconded by Commissioner Gibson and passed by unanimous roll call vote.

Planning Associate Martinez read aloud the number and title of Planning Commission Resolution No. 14-013.

**MOTION:** Commissioner Polcari moved for the adoption of Planning Commission Resolution No. 14-013. The motion was seconded by Commissioner Gibson and passed by unanimous roll call vote.

**13. RESOLUTIONS** – None.

**14. PUBLIC WORKSHOP ITEMS** – None.

**15. MISCELLANEOUS ITEMS**

**15A. COMMUNITY DEVELOPMENT DIRECTOR WEEKLY SUMMARY REPORTS**

Planning Manager Lodan noted that the Community Development Director Weekly Summary Reports for January 9, January 17, January 23, January 31, and February 6, 2014 were distributed to the Commission.

**16. REVIEW OF CITY COUNCIL ACTION ON PLANNING MATTERS**

Planning Manager Lodan reported that the City Council considered the Initial Study and preliminary design for highway improvements at the intersection of Pacific Coast Highway and Hawthorne Boulevard at the February 11 City Council meeting and ultimately approved the design and adopted a Mitigated Negative Declaration.

**17. LIST OF TENTATIVE PLANNING COMMISSION CASES**

Planning Manager Lodan reviewed the agenda for the March 5, 2014 Planning Commission meeting.

**18. ORAL COMMUNICATIONS #2**

**18A.** Chairperson Rizzo asked about the status of the Avis Rent-a-Car facility at Sears in Del Amo Fashion Center.

Planning Manager Lodan advised that the project is going forward and the applicant was relieved of the condition requiring Sears to grant an easement for a sidewalk because it was determined that Sears was not the only owner of the property in question.

**18B.** Chairperson Rizzo and Commissioners welcomed Michael Griffiths to the Commission.

**18C.** Commissioner Skoll reported that he and Commissioner D'anjou attended a meeting of the ExxonMobil Community Advisory Panel earlier this evening, which included a review of the criteria they follow when conducting business.

**18C.** Commissioner Skoll asked about the status of the parking lot behind Costco, and Planning Manager Lodan related his understanding that an application will be coming forward fairly soon.

**18D.** Planning Manager Lodan reported that approval has been given for Commissioners to park in Councilmembers' stalls in the secured parking lot behind City Hall on meeting nights.

**19. ADJOURNMENT**

At 9:15 p.m., the meeting was adjourned to Wednesday, March 5, 2014 at 7:00 p.m.

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Approved as submitted April 16, 2014 s/ Sue Herbers. City Clerk
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